HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 668 (S/S) 2005

Pankaj Gairaula S/o Late Sri R.D. Gairaula,
R/o E-417, Rajendra Nagar, Roorkee,
District Haridwar. – Petitioner

VS

1. State of Uttaranchal through Principal Secretary,
   Home, Dehradun, Uttaranchal.
2. The Director General of Police,
   Police Head Quarter,
   Dehradun, Uttaranchal,
3. Inspector General of Police,
   Karmik, Police Head Quarter,
   Dehradun, Uttaranchal,
4. State of Uttar Pradesh,
   Through Principal Secretary,
   Home, Secretariat Lucknow,
   Uttar Pradesh. – Respondents.

Sri Alok Singh, learned Senior Advocate, assisted by Sri Gopal K. Verma, learned counsel for the petitioner.
Learned Standing Counsel for the State of Uttaranchal
And Smt. Beena Pandey, learned Standing Counsel for the State of U.P.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Alok Singh, learned Senior Advocate, learned counsel for the petitioner, learned Standing Counsel for State of Uttaranchal/ respondent nos. 1 to 3 and Smt. Beena Pandey, learned Standing Counsel for the State of U.P./ respondent no. 4.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of mandamus commanding the respondents to repatriate the petitioner from Intelligence Department to Civil Police Department. He has further prayed that the respondents be directed to decide the representation of the petitioner dated 27th February 2005, which is annexure no. 16 to the writ petition, in the light of the judgment dated 26.02.2003 passed by the Services Tribunal in Claim Petition no. 1475 of 2000 Pankaj Gairaula vs. State of U.P. and others.

The petitioner was selected for the post of Sub Inspector on 15.07.1989 in Civil Police Department and he joined the

Services with the then State of U.P. on 17.09.1990. Vide order dated 13.11.1992, the petitioner was transferred from Civil Police to Intelligence Wing. He was promoted to the post of Inspector on 14.12.1998 while serving the Intelligence Wing. The Director General of Police, U.P. has issued policy/ guidelines on 31.12.1999 regarding the appointment of Sub Inspector and Inspector of the Intelligence Department by which it was determined that the person who opted to go to Intelligence Wing, they will be posted in the Wing for a period of five years and after serving five years in the Wing, they will be send back in the Civil Police.

Contention of the petitioner is that the petitioner filed claim petition before the services Tribunal bearing no. 1475 of 2000 which has already been allowed by the services Tribunal by its judgment dated 26th February 2003. During the pendency of the claim petition before the Tribunal, the petitioner was transferred to Haridwar which is now in the territorial jurisdiction of the State of Uttaranchal and in the meantime the State of Uttaranchal came into existence. After creation of State of Uttaranchal, the petitioner requested the respondent's authorities for his repatriation to the Civil Police in pursuance of the order passed by the Services Tribunal dated 26.02.2003, however, no action has been taken by the respondents till date. A number of representations have been made by the petitioner to the respondents and the last representation was made on 27.02.2005 addressed to the Addl. Director General of Police (Karmik/Administration) Police Head Quarter, Dehradun. The said representation was sent through proper channel. Though, about three months have been passed, but no action has been taken to pass any order on the representation of the petitioner in pursuance of the judgment passed by the Services Tribunal dated 26.02.2003 in the claim petition no. 1475 of 2000 filed by the petitioner. In the meantime the petitioner has been finally allocated to the State of Uttaranchal.

Learned counsel for the petitioner has prayed that the competent authority may be directed to decide his representation at the earliest. The prayer is innocuous.

In the above circumstances, the writ petition is finally disposed of with the direction to the respondent no.2 to take final decision on the representation of petitioner dated 27.02.2005 annexure no. 16 to the writ petition, at any rate, within a period of one month from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

May 25, 2005:
NCM: